

Appl. No. 10/651,853
Amdt. Dated February 7, 2006
Reply to Office Action of November 22, 2005

REMARKS

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. After the amendments detailed above, claims 5-17 are pending in this application. In particular, claims 5, 9, 13, 14 and 16 have been amended, and claims 6-8, 10-12, 15 and 17 have been maintained in their previous form. Claims 1-4 remain canceled. No new claims are added. Applicants assert that the amended claims are fully supported by the disclosure of the application as filed, and as such, do not introduce new matter. The status of all the pending claims is reflected in the above listing.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 5-17

Claims 5-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,806,847 to Nixon. These rejections are overcome as claims 5, 9, 14 and 16 have been amended.

"Anticipation requires the disclosure in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). As set forth below, Nixon fails to expressly or inherently disclose at least one element recited in each of the amended independent claims.

Accordingly, the present claims are patentably distinct as written, and the rejection of these claims under Section 102 must be withdrawn. Specifically, claim 5 has been amended to further recite "... the personality module residing on an operating system relative to the client ..." Likewise, claim 9 has been amended to further recite "... an interface residing on a client machine ... the virtual machine residing on a personality module within an operating system relative to the client machine." Additionally, claims 14 and 16 have been amended to further recite "... through an interface residing on a client ...

Appl. No. 10/651,853
Amdt. Dated February 7, 2006
Reply to Office Action of November 22, 2005

the virtual machine residing on an operating system relative to the client."

As illustrated in the present application, a user interface 207 resides on a client 206 (Figure 2). Also, as further illustrated and disclosed, a personality module 314 is an intermediary between a server 202 and a plurality of field devices 210, the personality module 314 capable of residing on an operating system such as an enclosure 208 (Figure 2 and page 11, paragraph [0042]). Applicants thereby assert that the amended claims are fully supported by the disclosure of the application as filed, and as such, do not introduce new matter.

In contrast, Nixon does not expressly or inherently disclose a personality module residing on an operating system relative to a client. Nixon discloses a portable computer system (client) in communication with a host computer (server) as described by the Examiner on page 3 of the Office Action. However, the module or software routine (personality module) of Nixon resides on either the portable computer system or the host computer, and not on an independent operating system as required by the amended claims. Furthermore, Nixon fails to disclose an intermediary device between the portable computer system and the host computer. Thus, Nixon fails to expressly or inherently disclose at least one element of amended independent claims 5, 9, 14 and 16. Accordingly, Nixon does not anticipate these claims and the Section 102 rejection should be withdrawn.

Since Nixon does not expressly or inherently disclose each element of amended independent claims 5, 9, 14 and 16, and since claims 6-8, 10-13, 15 and 17 depend from and further limit amended independent claims 5, 9, 14 and 16, the rejection to these claims should also be withdrawn. Applicants have amended claim 13 for grammatical and antecedent reasons and not for reasons related to patentability. As such, Applicants believe that the Section 102 rejection to these claims should be withdrawn.

II. Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any

Appl. No. 10/651,853
Amdt. Dated February 7, 2006
Reply to Office Action of November 22, 2005

questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Greenberg Traurig
3773 Howard Hughes Pkwy.
Suite 500 North
Las Vegas, Nevada 89109

Telephone : 702-792-3773
Facsimile : 702 792-9002

By: 
Rob L. Phillips
Registration No. 40,305

Date: February 7, 2006

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

G:\APatent\GlobalNetwork\00007\PTO.RCE.Amend.doc